IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1118 OF 2005

ALONG WITH

CRIMINAL WRIT PETITION NO.1119 OF 2005

Madanla Bagrecha ... Petitioner

V/s

1 Shri Gautam Jain &
Ors. ... Respondents

Shri Sagar Agarkar for petitioner

Coram : V.M. Kanade, J.
Dated : 26/04/2005

P.C. :-

1 The applicants are challenging the order of issuance of process by the Metropolitan Magistrate,33rd Court at Ballard Pier, Mumbai by the respondent No.2.

2 It is submitted by the learned counsel appearing on behalf of the petitioner that the respondent No.1 has filed the complaint against Shri Madanlal Jain. It is submitted that the name of the proprietor is Madanlal Bagrecha and that the petitioner is neither a sole proprietor of the company called “Ajay Trading Company” nor he had issued any cheque or had signed it as alleged by the complainant. It is

further submitted that Ajay Trading Company belongs to one Mahadev Budhe and he is a sole proprietor of the said firm and that the bank account is also in the name of Mr. Mahadev Budhe. He has relied on the certificate issued by the bank in support of said submission.

3 It is not possible to accept the said submission made by the learned counsel for the petitioner. The fact regarding the issuance of cheque will have to be established in the trial court after the evidence is adduced by both the parties. Criminal writ petitions are therefore, rejected.

(V.M. Kanade,J.)